



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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REGIONAL
ADMINISTRATOR'S
DIVISION

October 26, 2021

Laura Sample
NEPA Program Manager
Directorate of Public Works
Attn: AMIM-AKP-E (L. Sample)
1046 Marks Road #4500
Fort Wainwright, Alaska 99703-4500

Dear Ms. Sample:

The U.S. Environmental Protection Agency has reviewed the Department of Army (Army) Notice of Intent to prepare a Legislative Environmental Impact Statement (LEIS) for the proposed continued military use of the Yukon Training Area near Fort Wainwright, Donnelly Training Area East, and Donnelly Training Area West, near Delta Junction, Alaska (EPA Region 10 Project Number 21-0055-USA). Our review was conducted in accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act, and the Council on Environmental Quality regulations for implementing NEPA (40 CFR §§ 1500-1508).

According to the NOI, the Army is proposing to evaluate the potential environmental impacts associated with a proposal to extend its use of three training areas that are officially under the management of the U.S. Bureau of Land Management. The purpose of the proposed action is to obtain a land withdrawal extension for the three training areas for 25 years or more, or to have the land assigned to the control of the Secretary of the Army until such time as the Army determines it no longer needs the land for military purposes. The current land withdrawal will expire on November 6, 2026, unless Congress enacts legislation to extend it. The proposed extension includes: the Yukon Training Area (246,277 acres), Donnelly Training Area East (51,590 acres), Donnelly Training Area West (571, 995 acres), and restricted airspace operations over the withdrawn land.

EPA understands the overall purpose of the proposed action is to improve military readiness training and appreciates the Army's decision to analyze the potential environmental and socioeconomic impacts of this action in a LEIS. EPA offers the attached scoping comments to highlight considerations we feel are important in the NEPA analysis for the project.

Thank you for the opportunity to provide scoping comments on this project proposal. If you have questions about our comments, please contact David Magdangal of my staff at (206) 553-4044 or at magdangal.david@epa.gov, or you may contact me at (206) 553-1774 or by email at chu.rebecca@epa.gov.

Sincerely,

Rebecca Chu, Chief
Policy and Environmental Review Branch

U.S. Environmental Protection Agency Scoping Comments on the Land Withdrawal Extension at Fort Wainwright, Alaska

Range and Comparison of Alternatives

EPA recommends that the LEIS include a range of reasonable alternatives that meet the stated purpose and need for the proposed action and that are responsive to the issues identified during the scoping process. The White House Council on Environmental Quality recommends that all reasonable alternatives should be considered, even if outside the capability or jurisdiction of the Army. It would also be helpful if the LEIS included:

- A table comparing the environmental impacts of the proposal and alternatives, so the document sharply defines the issues and provides a clear basis for choice among options by the decision maker and the public;
- Quantification of the potential impacts; and
- A list of mitigation measures for each alternative action's impacts.

EPA encourages selection of reasonable alternatives that will minimize environmental degradation.

Environmental Effects

EPA recommends the LEIS include the environmental effects of the proposed action on natural resources and any necessary mitigation measures to reduce those effects. This would involve the delineation and description of the affected environment or analysis area, indication of the impacted resources, the nature of the impacts, and proposed mitigation measures to reduce those impacts. We recommend that providing adequate information in the LEIS on the following topics to help decision makers and the public.

a) Noise and disturbance effects

As a result of the proposed action, the community may experience noise and other flight-related disturbance, which variously affects residents, visitors, schools, businesses, recreation areas and activities, natural areas and wildlife. Therefore, EPA recommends that the LEIS address the direct, indirect, and cumulative effects from aircraft and other equipment noise and disturbance that may impact human and wildlife communities. EPA encourages the Army to consider including the following in the LEIS analysis:

- Identification of the geographic location and area affected by the proposed training program and related operations;
- Any differences in intensity/severity of effects with respect to air traffic, including height above ground and height above sea level for all effects;
- Any new effects on previously undisturbed areas and cumulative/increased effects (e.g., increased frequency, severity) on areas currently within the analysis area;
- Effects on birds and habitat quality/suitability for nesting, rearing, foraging, roosting, particularly within important habitat/concentration areas, such as Wildlife Refuges, Natural Areas/Key Conservation Sites, and other important habitat, and on threatened, endangered, candidate, sensitive, and other species of concern listed by Federal or State fish and wildlife agencies;

- Effects on other terrestrial or aquatic wildlife species and a disclosure of the area, location, and accessibility of any remaining intact habitats and refugia currently unaffected by armor, infantry, and aviation units;
- Effects on children's health and safety, including effects of noise/disturbance on schools and other learning facilities, outdoor recreation areas, and other sensitive locales. See Executive Order 13045;¹
- Effects on other vulnerable/disadvantaged populations, including minorities, low income, elderly, disabled, and Native Americans. See Executive Order 12898 on Environmental Justice;²
- Effects on quality of life, recreation activities, and quietude. Churches and other community gathering environments may be affected by new or increased noise and frequency of military exercises; and
- Indirect and cumulative effects on sensitive human and non-human animal receptors.

b) Air quality impacts

Because the proposed action may result in impacts to air quality, we recommend that the EIS include a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards, and criteria pollutant non-attainment areas in the analysis area and vicinity. We recommend estimating emissions of criteria pollutants for the analysis area and discuss the timeframe for release of these emissions through the lifespan of the proposed project. For estimation of emissions, it would be helpful to specify all emission sources and quantify related emissions. Such an evaluation is necessary to assure compliance with affected state and federal air quality regulations, and to disclose the potential impacts from temporary or cumulative degradation of air quality. EPA recommends that the LEIS include the following:

- Detailed information about ambient air conditions, NAAQS, and criteria pollutant non-attainment areas in all areas considered and adjacent areas;
- Data on emissions of criteria pollutants from the proposed action and discuss the timeframe for release of these emissions;
- Specific information about pollutant from mobile sources, stationary sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention;
- Equipment Emissions Mitigation Plan that identifies actions to reduce diesel particulate, carbon monoxide, hydrocarbons, and oxides of nitrogen (NOx) associated with armor, infantry, and aviation missions;
- Discussion on the anticipated coordination with other entities in the planning area, such as the various states' environmental regulatory agencies, tribes, and other organizations to ensure compliance with the NAAQS; and
- Identification of the potential effects from air pollutants, including air toxics, to military personnel, ground crews, nearby residents, businesses, and any sensitive receptor locations, such as, schools, medical facilities, senior centers and residences, daycare centers, and outdoor recreation areas (e.g., parks).

¹ <https://www.epa.gov/children/executive-order-13045-protection-children-environmental-health-risks-and-safety-risks>

² <https://www.epa.gov/laws-regulations/summary-executive-order-12898-federal-actions-address-environmental-justice>

c) Solid waste, hazardous materials, and wastewater management

EPA recommends that the LEIS address the direct, indirect, and cumulative impacts from the use of hazardous and non-hazardous materials. Hazardous materials such as compressed gas, petroleum products, and others may be used and/or stored in the community or at the base. Although their proper management is presumed to be safe, concerns remain about the possibility of accidents resulting in the release of hazardous materials to the environment. EPA recommends that the LEIS describe measures that would be taken to minimize the chances of such an accident, and emergency response measures that would be taken should an accident occur.

EPA also recommends addressing the applicability of state and federal hazardous materials, pollution prevention, and solid waste requirements, and appropriate mitigation measures to prevent and minimize the generation of solid and hazardous materials. Consistent with the Army's guidelines and EPA regulations (40 CFR Part 112), there may be a need to prepare and implement a Spill Prevention, Control, and Countermeasure Plan.³ EPA recommends that information in the SPCC Plan be included in the LEIS document, if applicable.

d) Water resources impacts

EPA recommends that the LEIS identifies waters in the analysis area and vicinity that could be impacted, the nature of the potential impacts, pollutants likely to affect those waters, and whether the action would affect drinking water (quantity and quality) and sources. If these resources would be impacted, the LEIS should include information on contaminants of concern and measures to be taken to protect drinking water and related source areas, consistent with the Safe Drinking Water Act.

According to the Government Accountability Office, EPA and Department of Defense have detected elevated levels of two emerging contaminants found in firefighting foam, PFOS (Perfluorooctane sulfonate) and PFOA (Perfluorooctanoic acid), in drinking water at or near military installations.⁴ These contaminants may reduce training/readiness; restrict use of ranges; increase operation, maintenance, and cleanup costs; and divert important resources from mission needs. Therefore, EPA recommends that the LEIS include information about these emerging contaminants (e.g., PFOS, PFOA, perchlorate, RDX⁵, and nitroglycerin), how they may pose human health and environmental risks within the analysis area, and actions to be taken to reduce such risks.

Note that under the Clean Water Act, any project construction that would disturb a land area of one or more acres requires a National Pollutant Discharge Elimination System construction stormwater permit for discharges to waters of the United States. EPA recommends that the LEIS document the proposed action's consistency with applicable stormwater permitting requirements and should discuss specific mitigation measures that may be necessary or beneficial in reducing adverse impacts to water quality.

Use of facilities and runways in training areas may also compact the soil, thus changing hydrology, runoff characteristics, and flow and delivery of pollutants to waterbodies which impacts the ecological function of the area. Therefore, EPA recommends that the LEIS include a detailed discussion of the cumulative effects from this and other projects on the hydrologic conditions of the analysis area. EPA recommends that the LEIS clearly depict reasonably foreseeable direct, indirect, and cumulative impacts to groundwater and surface water resources. For groundwater, identify the potentially affected

³ https://www.epa.gov/sites/production/files/2014-04/documents/b_40cfr112.pdf

⁴ <https://www.gao.gov/products/GAO-18-78#summary>

⁵ https://www.epa.gov/sites/default/files/2017-10/documents/ffrro_ecfactsheet_rdx_9-15-17_508.pdf?VersionId=Qdb56fDiQ.LlfcSsVbprK_MK8eKTxyff

groundwater basin and any potential for subsidence, and assess impacts to springs or other open waterbodies and biologic resources.

e) Aquatic resources and impacts

There may be aquatic resources within the analysis area. The LEIS should describe all waters of the United States located within the analysis area, including wetlands that could be affected by the proposed action and their locations, preferably using maps. EPA recommends including data on acreages and channel lengths, habitat types, values, and functions of the waters and related wetlands in the LEIS. In case activities related to the proposed action would result in impacts to aquatic resources e.g., filling of wetlands, the Army would need to work with the U.S. Army Corps of Engineers to determine if the proposed action would need a Clean Water Act §404 permit.

Please also note that activities affecting floodplains are also regulated under the CWA §404 and Executive Orders 11988, *Floodplain Management*.⁶ For impacts to floodplains, we recommend that the LEIS discuss why activities would need to be in floodplains, alternatives considered, and steps to reduce impacts to floodplains.

f) Habitat, vegetation, and wildlife species impacts

Because the proposed action may result in impacts to biological resources, EPA recommends that the LEIS:

- Describe the current location, quality and capacity of habitat, its use by wildlife in the analysis area, and the potential to affect resident and migratory species;
- Compare the extent to which the various alternatives may impact or avoid impacts to wildlife;
- Discuss work with the U.S. Fish and Wildlife Service, and as appropriate, with each affected State Department of Fish and Wildlife to identify the nature of this action's potential impacts to biological resources and to determine practices that would reduce risks and protect species and their habitat; and
- Provide information on the use of chaff and flares, where they would be used, impacts associated with the potential releases of chaff and flare into the environment, and measures to mitigate the impacts from such releases.

g) Endangered, threatened, candidate, and sensitive species

Where proposed project activities could affect species listed under the Endangered Species Act, EPA recommends that the LEIS include the Biological Assessment and the associated USFWS or National Marine Fisheries Service Biological Opinion or formal concurrence and discuss how the Army would contribute to the recovery of listed species. In addition to these species, there may also be state listed species, candidate state or federal species, and other sensitive or declining species and their habitats in the project area. Therefore, EPA recommends the LEIS disclose these sensitive species and habitats, and the analyses of the alternatives should explore all possible measures to avoid and reduce disturbance or harm to the species and habitats.

h) Cumulative and indirect effects

EPA recommends that the LEIS consider the cumulative effects of the proposed action when added to other past, present, and reasonably foreseeable future projects in and near the analysis area, including those by entities not affiliated with the Army. Only by considering all actions together can one conclude what the impacts on environmental resources are likely to be. EPA has issued guidance on how to provide comments on the assessment of cumulative impacts, *Consideration of Cumulative Impacts in*

⁶ <https://www.epa.gov/cwa-404/floodplain-management-executive-order-11988>

*EPA Review of NEPA Documents.*⁷ The guidance states that to assess the adequacy of the cumulative impact's assessment, there are five key areas to consider:

- Resources, if any, that are being cumulatively impacted;
- Appropriate geographic area and the time over which the effects have occurred and will occur;
- All past, present, and reasonably foreseeable future actions that have affected, are affecting, or would affect resources of concern;
- A benchmark or baseline; and
- Scientifically defensible threshold levels.

Indirect effects, which must also be analyzed in the LEIS, are those that are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable. Indirect effects may include additional development or other activity inducing effects and other effects related to induced changes in the pattern of land use, road systems and access, number and frequency of human visits/uses, and related effects on air and water and other natural systems, including ecosystems (40 CFR Part 1508.8).

Public Involvement in the NEPA process

EPA recommends that the Army disclose in the LEIS efforts undertaken to ensure effective public participation in the scoping and throughout the NEPA analysis process. For more information on effective public participation in the NEPA process, EPA recommends consulting the following resources:

- *The Citizen's Guide to the National Environmental Policy Act*;⁸ and
- *Community Guide to Environmental Justice and NEPA Methods*.⁹

Environmental Justice

If the analysis area includes low income or minority populations, the LEIS would need to address the potential for disproportionate adverse impacts to the populations. See Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, 14008, *Tackling the Climate Crisis at Home and Abroad*; and 13985, *On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*.¹⁰ EPA's Environmental Justice Screening and Mapping Tool, or EJSCREEN,¹¹ is available to determine if minority and low income populations reside in the project area. You may also consult the Federal Interagency Working Group on Environmental Justice and NEPA Committee report, *Promising Practices for EJ Methodologies in NEPA Reviews* for additional information, particularly on determining whether the proposed project may result in disproportionately high and adverse impacts.¹² EPA recommends that other vulnerable and disadvantaged populations, such as, the elderly, the disabled, and children, be included in the analysis.

⁷ <http://www.epa.gov/compliance/resources/policies/nepa/cumulative.pdf>

⁸ https://ceq.doe.gov/get-involved/citizens_guide_to_nepa.html

⁹ <https://www.energy.gov/sites/prod/files/2019/05/f63/NEPA%20Community%20Guide%202019.pdf>

¹⁰ <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>; <https://www.govinfo.gov/content/pkg/FR-2021-02-01/pdf/2021-02177.pdf>; <https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>

¹¹ <https://www.epa.gov/ejscreen>

¹² https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

Climate Adaptation

EPA recommends that the LEIS include a discussion of reasonably foreseeable effects that changes in the climate may have on the proposed project and the project area. This would help inform the development of measures to improve the resilience of the program. If projected changes could notably exacerbate the environmental impacts of the program, EPA recommends these impacts also be considered as part of the NEPA analysis.

Coordination with Tribal Governments

Because the proposed project may affect tribes and their resources, EPA recommends that the LEIS describe the process and outcomes of government-to-government consultation between the Army and tribal government(s) that would be affected by the training program, issues that were raised, if any, and how those issues were addressed, consistent with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*.¹³

Monitoring and Adaptive Management

This action may impact resources in the analysis area for an extended period. Thus, we recommend that the proposed project be designed to include environmental inspection and mitigation monitoring features to ensure compliance with all mitigation measures and to assess their effectiveness. EPA recommends the LEIS describe the monitoring program and how it will be used as an effective feedback mechanism, such as through adaptive management, so that any needed adjustments can be made to meet environmental objectives throughout the life of the project. This can help ensure that lessons learned from past project practices combined with the need to account for new challenges such as climate change, can influence management of the proposed action and measures taken to reduce impacts.

¹³ <https://www.epa.gov/laws-regulations/summary-executive-order-13175-consultation-and-coordination-indian-tribal>